

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: SUSAN SIMPSON
Case Number: 2:20-BK-02088-EPB **Chapter:** 13
Date / Time / Room: THURSDAY, JANUARY 14, 2021 10:00 AM TELEPHONIC HRGS
Bankruptcy Judge: EDDWARD P. BALLINGER JR.
Courtroom Clerk: ANNETTE FRANCHELLO
Reporter / ECR: N/A

Matter:

NOTICE OF NON-COMPLIANCE AND MOTION FOR ENTRY OF ORDER GRANTING STAY RELIEF FILED BY
NEW HORIZONS ROTH 401K PROFIT SHARING PLAN
R / M #: 108 / 0

Appearances:

GARY R. STICKELL, ATTORNEY FOR SUSAN SIMPSON
SUSAN SIMPSON, DEBTOR
ROSS M MUMME, ATTORNEY FOR EDWARD J. MANEY
DEAN O'CONNOR, ATTORNEY FOR NEW HORIZONS 401K PROFIT SHARING PLAN

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(continue)... 2:20-BK-02088-EPB

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Proceedings:

Mr. Stickell states that he has laid out what was going on in his reply. He believes that Ms. Simpson has a viable plan now with her business' new contract. He states that the Debtor can fund the plan and accelerate funding in resolving the claim. He is troubled by Mr. O'Connor asking for a lift stay motion without having filed one or asking for a hearing on the original motion.

Ms. Simpson answers the Court's questions as to employment and sources of income.

Mr. Stickell agrees that Ms. Simpson is two months post-petition delinquent. He believes however, that Ms. Simpson will become current next week.

Ms. Simpson states that she made a payment on December 31, 2020 and hopes to make two payments by January 20, 2021.

Mr. O'Connor argues his position noting that there is an agreement with the Trustee to not make conduit payments if Ms. Simpson paid on time. Debtor is not doing so. He addresses the stay relief motion noting an agreement was not completely reached.

The Court agrees with Mr. Stickell in that it cannot legitimately lift the stay today. The Court questions Mr. Mumme as to conduit payments.

Mr. Mumme agrees that conduit payments are appropriate.

COURT: IT IS ORDERED setting an Order to Show Cause as to why the case should not be dismissed for January 27, 2021 at 10:30 a.m. **IT IS FURTHER ORDERED** continuing this hearing to January 27, 2021 at 10:30 a.m. The Court asks that the parties file a report that a conduit payment arrangement has been agreed to and set up. Mr. Stickell is also to present to the Court that all the issues pertaining to payments and accurate information has been remedied.